App. F. IX-4

1933.
(Law)

File No. 15-33

Previous References
Law 15-33-1-3

Serial Nos. 4-13, 14, 15, 16
18-26

Letter References
Law 67-37-1-9
" 26-36-1-4
" Dep 927-37
" " 25-38
" " 15-38
" 70-38
" 71-38
Law 11-39 (1 & 42)

Serial Nos. Twenty only

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Part B for April, 1939.

SUBJECT.

O.S.No. 77/33-34 on the file of the Subordinate Judge, Bangalore. Government of Mysore vs. Mr. J.C. Midford.

S(20) To

The D.C. Bangalore

No. P. 4838 "S" 4.2.37.

WD 0295—GPB—22,500—18-8-37

Forwards a copy of the judgment and decree passed in the above case for information and necessary action towards execution of decree.

Mirza Nazeerbaig
8/4/39

752/P/33 Civil Suit against Mr. J.C. Woodford.

[App. F. III—2

General and Revenue Secretariat — Law-File No. 15 of 1933.

Serial No.

1) Subt with a dft forwarding Law file 15-33 to the Pr. Blore, and calling for a dft plaint for approval of Govt. Collections relating to Ed. Br. will be returned

Peter Rajen
D.20.9384/44
P.

TSD 17/8

2) Issue
17/8
12/8

TYPIST SECTION
14 AUG. 1933
GENL. & REV SECT.

To,
The Pr. Blore
no. P. 774 d 15.8.33 calling for dft plaint for approval.

To,
3) Ed. Br. for returning their Collections and returning the file

TSD 16/8

4) The Supt Eng. Br. with Compts
16/8/33

ENGINEERING BRANCH
16 AUG. 1933
GEN. & REV. SECTT.

5) The marginally noted Collections that were in the file is taken for the file returned to the Law Section

Ex 245-27-510
" 40-26-31, 34-35-38,
" 287-32 — 1, 2, 3
Ex Dep 242-32

TSD
18/8

6) To the Supt Protector Br Trichy
Compliments

18/8

Sur A
17/8/33

NOTE—Contn. Sheet.

2

Civil Suit against Mr. J.C. Medford. 15.

Law File No. 15 of 1933. | General and Revenue Secretariat

From,

The PPr. B'lore

No. 155/ps-34 dated 25.8.33 forwarding a dft plaint for approval, and requesting to furnish certain particulars as to the scheduled buildings which are in actual possession of the defendant, and the value of those properties

5

1) The PPr. was requested to prepare the plaint in consultation with the DC B'lore and the D.P.O. (vide G.O. dated 12.8.33) If approved, he will be asked to obtain necessary further particulars from the DC B'lore

5

his attention will be invited to the G.O. and

ISD 2/16

2) Mrs Medford is in actual possession only the bungalow in the Bay's unit. The suit may therefore be only with respect to this property, so as to be in accordance with the notice issued by the Govt. Advocate. The buildings may be valued at Rs.3,000/- for purposes of court fee & Jurisdiction. The suit can then be filed in the Sub-court Bangalore. The plaint sent by the PPr is all right & may be approved. The mesne profits in the shape of rent is claimed from date of suit & it may be

Serial No.

put at Rs 25/- a month. No court fee is payable on this claim

9) As soon as an estimate of costs is received from the PWr, the Director of P. I. will be requested to place the necessary funds at his disposal for doing the Such

First Member) MM 26/8/33

by 28/8/33

MM 28/8

10) Dft MM 28/8

11) Dft sub accordingly

ISD 29/8

12) Issue MM 29/8

OFFICE OF THE FINANCIAL ... 28 AUG. 1933 No. 1633

TYPING SECTION 29 AUG. 1933 GENL & REV SECTT.

To,

The PWr Bldgs

no. P.990 dated 30.8.33 returning the plans duly approved and informing that the building may be valued @ Rs 3000/- and mesne profits claimed @ Rs 60/- per month and calling for an estimate of Costs.

Sr A 31/8/33

NOTE—Contn. Sheet.

GDPM—50,000—13-8-31.

4 1253

Law File No. of 1933 | General and Revenue Secretariat

From

The PBr Blore

7

no. 1169/3334 dated 4.9.33 furnishing an estimate of cost required for instituting the suit against Mr. JC Medford.

13) The total cost estimated is Rs 304-00 which includes advocate's fee of Rs 150-00. The Dist Jr. Bd. may be requested to place the required amount at the disposal of the PBr Blore

Dft Sub? with reference to para 9 supra.

JSD 6/9

14) The question of fee may perhaps be taken up after the disposal of the Case - for the present the DP I wish be requested to place a sum of Rs 250/- at the Disposal of the PBr for filing the Suit.

Guernsey) 6.9.33

15) [illegible] 7-9

16) Issue 7.9.33

To,

The D. B. J.

I have the honor to request that you will be pleased to place a sum of Rs 250/- at the disposal of the PBr Blore for filing the suit against Mr. JC Medford.

Sus C 11/9/33

GENERAL SECRETARY'S 6 SEP. 1933 No.

SEP. GENL. & REV. SECTT.

1930 : F 253

5

[App. F. III—2

General and Revenue Secretariat | File No: 7 | of 193

Serial No.

17) Dft to the PBr is put up

18/10
6/10.

18) Issue
DM
7/10

7 OCT 1933
GEN'L & REV SECTT

To

Remarks and orders

the PBr. Blore

No. P. 11608 dt 10.10.33 enquiring what further progress has been made in the mat

SnA
12/10

9 Draw

the PBr. Blore

No. 268/33324 dt 11.10.33 stating that he has received a sum of Rs 250/- from the D.P.I. and that since he is in doubtful about the Correctness of the Schedule, he could not file the plaint and requesting therefore to send a responsible officer to obtain and furnish the necessary particulars.

19) D.C. Blore may be requested to obtain the and furnish the necessary information to the PBr. Blore

ISD
13/10.

20) The Schedule to the plaint is certainly incorrect. S. No. 57 of Basethalli village is the land on which the children's Paradise is situate. This is the Girls' portion of the Boys' unit. The boundaries of which

NOTE—Contn. Sheet.

B

1936

File No. of 193 General and Revenue Secretariat

Mr: midford is in possession in Boy's unit in S. No: 68 in Arehalli Guddadahalli village. (item 4 of the schedule to the Sale deed).

2) It is however desirable that before the plaint is filed, the exact & correct description of the property now in actual possession of Mr: midford is ascertained & included in the schedule to the plaint. The information may no doubt be obtained from the Amildar through the Deputy Comr. Since however the question of actual possession in this case is one of some legal difficulty, I would suggest the Plr himself being requested to go to Doddaballapur & get the necessary information from the Amildar after local inspection of the spot. It is over a year since I had been to the place, under orders of the First Member (Vide para 59 of the notes in the Coll[r]: placed below) and the information then gathered may ~~perhaps~~ not be made the basis of the suit now, since it is possible ~~the~~ Mr: midford may have now gone into possession of other properties than the mission bungalow of which alone he was then in occupation. A

GENERAL SECRETARY'S
13 OCT. 1933
No.

Gen Secy) MR 13/10/33

2) I agree

1st Member) LPH 14/10

2) Please get the information from the D.C. MR 16/10

This is the report Asst MR 26/10 Dft MR 26/10

Second Member of Council,
No. 2208

1936 ✓ 7

[App. F. III—2

General and Revenue Secretariat | File No. | of 193 .

Serial No.

Dft pmsd for appl
TSD 26/10.

Issue
MK 26/10

TYPING SECTION
27. OCT 1933
& REV. SECT

10

To,

The D.C. B'lore

No. P. 1938 d 20.10.33 requesting to furnish the accurate information re: the description and boundary of the building

Secy A
30/10/33

Dft R/ pmsd
TSD
28/4

Raw file
15 of 33
&S 1-3 have been taken for the file re: Mrs. Sabnis request (4084 P)
MK 2/4/34

Secy to await the concerned file and then put up
TSD 1/4/34

NOTE—Contn. Sheet.

Civil Suit against Mr. J.C. Medford 8

3030

General and Revenue Secretariat | Law File No. of 1933. | [App. F. III—2

Serial No. 15

From,

The PPr. Bangalore

D.O. no. 37/33-34 dated 4th Dec 1933 Soliciting opinion on the note of the S.D.O.

1) The main file relating to the proposed suit against Mr. J.C. Medford is before the first Member. Since the PPr. wanted to know the Correct description of the properties in possession of Mr. J.C. Medford, the DC. Bldr. were requested to furnish the information required. The S.D.O. in para 13 of his note gives the details of the properties in possession of Mr. J.C. Medford and suggests that a fresh notice with a revised list of properties should issue to Mr. Medford as the plaint should necessarily Contain all those properties instead of one building. Viz the bungalow in the Boyds Home unit as mentioned in the registered notice issued by the Govt. Sd. It is stated in G.O. dated 12th Aug 1933 that all the properties of Heads of Indian Women were purchased by Govt. of Mys. The Suggestion of the S.D.O. therefore seems to be valid.

ISD 10/1.

2) It is better if another notice is issued by the PPr as suggested by the S.D.O. If agd the PPr will be informed accordingly.

I Member) 10/1/34

16/1/34

16/1

2) Dft 16/1

OFFICE OF THE FIRST MEMBER OF COUNCIL 10 JAN. 1934 No. 16240

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

9

J/28.7.34 4041

Law File No. 15 of 1933.

General and Revenue Secretariat

Serial No.

28) Dft sub: for appl.
ISD 17/1

30) Issue
MP
17.1.34

To,

The PBr. B'lore

no. P 3435 d 18.1.34 instructing him to take further action to institute suit after issuing another notice to Mr. J.C. Medford as suggested by the S.D.O.

C/y ~~to the DC~~ B'lore -

12

Sue
19/1/34

From,

The ~~P~~ B'lore

Memo. no. ~~5556~~ /33-34 d 22-1-34

"Submitting C/y of the notice sued to Mr. J.C. Medford.

31) Submitted for perusal with ref: to para supra.
ISD 26/1

Gen Secy)

MP
26/1

GPM 6/2

W 7/2

TYPING SECTION
17 JAN 1934
GENL. & REV. SECTT

GENERAL SECRETARIAT
27 JAN 1
770

Sue
Draft may be prepared
MP
8/2

8113
8114

10

General and Revenue Secretariat — File No. 15 of 1933. [App. F. III—2

Serial No. 113

From

The Public Prosecutor, Bellary.

No. 629 of 14.2.34.

States that a notice was issued to Mr. J.C. Rickford allowing him 2 weeks time to deliver possession of the Schedule properties.

Subd. for perusal.

Further reports may be awaited.

Sd/ T.S.D.
20/2

Sd/- N.R.J.
20/2

From

The D.C., Bellary.

No. C.2.3671 of 22.2.34.

States that S. No. 867 Arehalli Guddadahalli measuring 3 acres of dry & wet land and containing a small hut was one of the properties which was included in the Sale deed executed by Mr. Bathwick on behalf of the Mission.

Subd for perusal with previous papers. Further communication promised by the D.C. will be awaited.

In the meanwhile, a copy of the letter will be sent to P.R., Bellary, for information & approval.

Sd/-S.R.
27/2/34.

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

11

File No. of 193 . | General and Revenue Secretariat

I do not see S. No. 86 included in the list of papers/properties mentioned in the notice issued by the P.R. to Mr. Swinford. Whether this is included in the Sale deed has to be verified. Please put up the Land file containing the deed.

Std/- V.R.J.
27/2/34.

Main file is before the 2nd. Member in connection with the representation of Mrs. Watson. Return of the same will be awaited.

Std/- T.S.D.
6/3

This has I think been subd. & drawn today.

Std/ V.R.J.
6/3.

From

The P.R, Bikaner

No. 628 of 23-2-38.

14

Forwarded in original the reply received from Mr. T. Siddalingiah, Advt, Doddaballapur to the notice issued to Mr. J.C. Swinford on 22.1.34.

Subd. for perusal.

Std/- T.S.D.
2/3

Std/- V.R.J.
2/3

(II Member)

Std. S.P.R.
2/3.

Subd. with a draft returning the reply received from Mr. T. Siddalingiah. A Copy of it will be retained here for reference.

Std/- T.S.D.
2/3

Issue
Std/- V.R.J.
2/3.

4687 / 1044 / 12

General and Revenue Secretariat | File No. 15 of 1933. | [App. F. III—2

Serial No.

To,

The PPr. B'lore

no. P. 4277 d 11.3.34 returning the reqg
the notice issued to Mr G.C. Midford.

Refce Para 33 Supra.

(40) S. no. 86 is included in the Schedule to the dft Sale deed.
If a jpt add the PPr. will be addressed in the matter.

TSD 13/3

41) No need to address the PPr now -
What the D.C says is that SNO 86 is in the
khata of Mr J.C. Edmond Clarke & that he
is making further enquiries. Apparently
therefre this land is not in possn of Mr.
midford & therefre need not be included
in the suit -
Further report from the
DC may be awaited
RRG
13/3

Qms B.
14/3/34

From,

The D.C. B'lore

D.O. C2-3671/33-34 dated 13th March 1934
requesting to send the Regd Sale deed executed
by the 'Heart of India Mission' as the same
is required by the PPr. B'lore, for filing in Court
with the plaint.

'U' (42) Subd with a dft D.O. forwarding the regd Sale deed

TSD 15/3

43) Issue. Typ A copy of the
Sale deed & the endorsements
thereon be
in the file for refce
RRG
15/3

WD 0431—GPB—15,000—12-10-33

Issued no. P.-4354 d 15.3.34.

Bms B 17/3

TYPING SECTION
16 MAR 1934

NOTE—Contn. Sheet.

13

b758 b745

Law File No. 15 of 1934.

General and Revenue Secretariat

Serial No.

From,

the PBn Blore

no. 1106 d 18th June 34 stating that
the deft has called upon to produce
in Court 2 documents in favour of
him dated 27.6.27 and 26.6.28 referred
to in our Sale deed para 2 and
requesting to send the same for
being produced in Court.

(44) Sub? was a dft requesting the DC Blore
to obtain and send the same direct to the
PBn. Blore.

ISD 24/6. (45) Where are these documents?

ISD 26/6

(46) They are probably with the DC Blore

ISD 27/6.

(47) I think they must be ~~with~~ in
the DP I' office. However the
Draft to DC may issue

IM 27.6.34

Issued no. P. 59524 d 29.6.34
Copy to the PBn Blore

TYPING SECTION
27 JUN. 1934
GENL. & REV. SECTT.

Sub C 30/6/34

D.No 173/P 37

General and Revenue Secretariat — Land File No. 15 of 1938. [App. F. III—2

Serial No.

From

The P.R., B'lore

No. 11 dt 7.7.34.

States that he has taken time till 17/7/34. to file documents in Court called for by the defendant.

The D.C. B'lore is requested to obtain and send the records required direct to the P.R. B'lore. (vide letter dated. 29.6.34.)

Copy of the letter is sent to the P.R. also for information. If approved his attention will be invited to this office memo dt 29.6.34. and he will be instructed to move the D.C. in the matter.

Sd/ T.S.D. 11/7

Yes. Sd/- M.R.C. 12/7

draft put up. Sd/- T.S.D. 12/7

Issue today. Sd/- M.R.C. 12/7.

NOTE—Contn. Sheet.

WD 0511—GPB—30,000—2-9-38

Civil suit against Mr. J.C. Medford. 193 2043 15

General and Revenue Secretariat | Law File No. 15 of 193 . | [App. F. III—2

Serial No.

To,

The Pbr. B'lore

no. C. 180 d 12.7.34 instructing him to move the DC B'lore in the matter.

Copy to the DC. B'lore.

Dem.

15

The Pbr. B'lore

no. 356 dated 4.10.34 forwarding the W. St. filed in the above case and also a copy of the reply proposed to be filed for appt

Date of Hg 10.10.34.

52) Dft reply is subd for appt

ISD 6/10.

53) The reply statement is all right & may be appd

Genl Secy) 6.10

54) Issue & submit to Second Member.

6.10.34

TYPING SECTION. 10. OCT. 1934 GENL D

55) Dft returning subd.

ISD 6/10

56) Issue

16

To The Prosecutor. Bangalore.

No P-1742. dated 11-10-34

Returns duly appd the reply Stt.

NOTE—Contn. Sheet.

16.

5 Y %

5 9 %

P 671:83

Law File No. 15 of 1933. | General and Revenue Secretariat

Resubmitted with reference to para 5 of the W. Sec. has been returned to the PPR as required by him in the P.W.D.

Sec 12/10/34

(Second Member)

9/10/34

OFFICE OF THE SECOND MEMBER OF COUNCIL. 14 OCT 1934 NO 2463

14/10/34

19/10

Sec c 20/10/34

Dear Mr. Milne

Do. no. 6514 | 33 dt 9.1.35 requesting to send the Secretariat file relating to the suit filed against Mr. Jeffreys.

Instd: write a dft forwarding

TSD 9/1

Issue forthwith

9/1

TYPING SECTION 4.45 pm 9 JAN 1935 GENL G'L

To,

The Hon. Mr. Milne

Do. No. P. 2605 dt 9.1.35 forwarding the Secretariat file.

Sec C 10/1

Law 10/1/35

Cipher. Suit against Mr. De Rodrigo. 985

17.

General and Revenue Secretariat | Law File No. 15 of 1933. | [App. F. III–2

Serial No.

16

From,

The Dep^y C.S.

No. DI-3008-105/xxxx d 8.8.35 soliciting sanction of Govt to advance a sum of Rs 50 to the Adv. Alone in Connection with the Expenses required in the above Case.

60) Submit with a draft G.O. sanctioning for orders

ISD 10/8

61) May be sent?

Gen Secy) 12/8

12/8

Issue 13/8.

GENERAL SECRETARIAT 12 AUG. 1935 1058

TELEPHONE 13. AUG. 1935 GENL. & REV. SECTT.

To,

The Dep^y C.S

Colombo

G.O. No. C.1142-43 Law 15-33-19 dt 17.8.35 ordering sanction of Rs 50 advance of Rs

15

Sub C 14/8

Note—Contn. Sheet:

18 Contempt against Jc Midford.

1370

File No. 15 of 1933 | General and Revenue Secretariat

From

The Hon'ble

No. 332/35-S dt 28.8.35 - forwarding sanction of Govt in the Circumstances stated to file a revision petn in the H.C. against the order of the Sub-Judge N'tm issuing a Commn for exam'n of certain defts witness at California

20

General Sec'y's orders on the P.C.D.

'G.A. may be Cancelled'

(sd) HVR

Forwarded with Compliments to the Govt. Advocate for favour of advice Re: The filing of a revision petition as proposed B.O. by the P.Pr.

Yours faithfully
for Gen'l Sec'y
(sd) TSD
31/8

G.O.No. P 33/35 dated 31-8-35

Returned with compliments.

I discussed the matter with the learned Public Prosecutor last week.

The order of the learned Sub Judge is an interlocutory order in the course of the proceedings, and judging from the nature of the pleadings, it looks as if Mr. Midford is only prolonging the litigation. Before granting his application for examination of the witnesses on commission in California it would have been better if the learned Sub Judge had ascertained from the Defendant what sort of evidence was expected from those witnesses.

He might

No. 80 34/35-36 dt 12.9.35

OFFICE 13 SEP

He might at least have examined Mr. Midford before considering his application. Unfortunately that has not been done, and the procedure now adopted may, to some extent, prejudice the case for Government as they are not in a position now to know what sort of evidence the witnesses are going to give on commission. An examination under the circumstances, on interrogatories, seems to me to be very unsatisfactory. If the examination on commission cannot be avoided, it would be safer to have them examined on open commission so that the Government may engage some counsel in California to cross-examine those witnesses in case their evidence is going to be against Government. The order of the Sub Judge also enables Mr. Midford to examine as many persons as he likes and this seems to be erroneous.

(6) Though the High Court is reluctant to interfere with interlocutory orders, I think the several points mentioned above may be urged so that even if the High Court is not prepared to set aside the order directing the issue of commission for examination of witnesses, we may at least try to have it changed in material particulars in the light of what I have stated above.

M. Kayyoomm Jr.
Government Advocate.

CSN/12.9.35

(7) This is a fit case for ~~admission~~ the High Court being moved to interfere in revision and set aside the

NOTE—Contn. Sheet.

17 : V 1656

Law File No. 15 of 1937. | General and Revenue Secretariat

orders of the Sub Judge - Mr. Hidson has practically no legal defence to the suit and his possession of the properties is unlawful so far as Govt is concerned.

(66) Sanction may therefore be given to take the matter to the High Ct in revision as advised by both the Govt advocate & the Pr -

Gen Secy. 13/9

II Member 13/9

GENERAL SECRETARY'S 13 SEP 1935 351

SECOND MEMBER 14 SEP 1935 No 1666

Pr 14/9

15/9 16/9

(67) Submit with a draft G.O. sanctioning for appl

ISP 17/9

(68) Issue

17.9.35

To,

The S. A.

for the

Dir^r of P.W.

Comptroller

G.O. no. P. 1555 dt 18.9.35 - according sanction to file a revn petn

21

REVENUE SECTION 7 SEP 1935 9-20 REV. SECTT.

Sub 21/9

O.S. 77/3334 — Subscn. re Law (Govt. vs J.C. Radford)

1370/1658
√5930
6153

General and Revenue Secretariat | Law File No. 15 of 1933. | [App. F. III—2

Serial No.

From.

Re Govt. Ad.

no. 735 d 26.2.36 intimating that order was passed allowing the petition in Crl Rf 176/3334 on the file of the H.Ct. of Mysore.

Refce paras 63-66 supra

Submitted for perusal.

Copy of the order will be awaited.

TSD 28/3

28/3

Curt 30/3

From.

Re G. Ad.

no. 752 d 2.4.36 - forwarding a Copy of the order in C Rf 176/3334 on the file of the H.Ct. of Mys.

Submitted for perusal. 4 cys of the order will be sent to the Govt. Solr., if applied for.

TSD 6/4

Refce paras 63-66. The order of the High Court is subd for perusal.

Govt Secy 6/4

6/4

6/4

First Member

9/4

9/4

9/4

6 APR. 1936 138

7 APR. 1936 302

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

22

OS. 77/3334 - Subordinate Blore (Govt vs Jc Modjud) 6153.

Law File No. 15 of 1933. | General and Revenue Secretariat

Dft judt

SD 11/4

Judge 11/4/36

Issued no. C. 6560 d 16.11.36

Sent C 20/11/36

From

The P. Pr

B Blore

Letter No. 12-83/36-37, dy 23-12-36

25

forwards a copy of the judgt.

This is a Suit for possession of certain properties which were claimed by the Plaintiff (Govt) by purchase from the Heart of India Mission. The learned Subordinate Judge decreed the Suit for possession and mesne profits Rs 155/-, and has (And) ordered that the defdt do pay to the plaintiff the Sum of Rs 418-12-0 being the amount of Costs incurred in this Suit.

A draft forwarding the copy of judgment to the D.C. Blore for information and necessary action

D. S. 77/33-34 Sub-Ct. Bhore
Govt. Vs J.C. Milford

General and Revenue Secretariat | File No. Law 15 of 1933. | [App. F. III—2

Serial No.

for Recovery of Costs is submitted for approval.

22/1

DSFwd
BNR
25.1.37

TYPING FEB. 1937 SECT.

2/

Issued vide P. 4835 dt 4-2-37

B
6-4-37

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 15-33.

Serial No. 4

Diary No. of letter replied to .....

No. P. 714/Encl Collector.

To

The Pr. B'lore.

General and Revenue Secretariat

( )

the *193* .

Sir,

In Continuation of the G.O. no. P. 718-32 dated 12.8.33 according sanction to institute a Civil Suit against one Mr. J.C. Medford in the matter of obtaining possession of certain properties of Head of India Mission at Doddaballapur, I am directed to forward herewith Law file 15-33. (Sls 1-3) and to request that a draft plaint may kindly be prepared and submitted for approval of Govt together with a Statement of Costs required for instituting the Suit.

Date of issue 15-8-33

Signed by Jr M.J Law

List of enclosures ..... in forwarding

Copied by .....

Examined by .....

WD 0253—GPB—15,000—26-8-32

which contains the original Sale deed in original in favour of Govt, copies of the notices issued & reply received from Mr Medford and all other papers required for drafting the plaint. I am therefore

BP 15/8

MP I have ex 13/8/33 Govt see

2

No P. 774 (Civil Courts)
Law 15-33 Ser 4

To

The Genl Secy: to Govt.

Do

The Public Prosecutor,

Bangalore.

14th August 1933.

Sir,

In continuation of the Government Order No. P.728-32 dated 12th August 1933 according sanction to institute a civil suit against one Mr.J.C.Midford in the matter of obtaining possession of certain properties of Heart of India Mission at Doddaballapur, I am directed to forward herewith Law file 15-33 Serials 1-3 which contains the sale deed in original in favour of Government, copies of the notices issued to and reply received from Mr.Midford and all other information required for drafting the plaint. I am therefore to request that a draft plaint may kindly be prepared and submitted for approval of Government together with a statement of costs required for instituting the suit.

I have the honor to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

TSD

S.R.-2

1015 P 33 3

No. 155/33-34.

Enc. 1 file

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 25th August *193* 3.

Law 15-33-5

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,

Public Prosecutor,
Bangalore Division, Bangalore.

To

N.R. Jaya Rao, Esq. M.A.,L L.B.,
Assistant Secretary, Law Section,
G.R.S. Bangalore.

SIR,

XY
P.P.
25/8

I am herewith sending a draft plaint to be filed against Mr. Midford for approval of Government. I have based the suit only on the registered sale deed of 28-4-1933, behind which it is unnecessary now to go. I have also not set forth Mr. Midford's claims and our answers thereto, as according to the practice in our courts they can always be pleaded by way of reply to the written statement in the suit.

I have some doubt as the properties which are in the actual possession of the defendant. According to the notice issued by the Government Advocate on 13-7-1933 possession has been demanded only of the bungalow in the Boy's Home Unit. In the note of the Deputy Commissioner dated 24-II-1932 it is mentioned that the defendant then was in actual possession of almost all the buildings having been so placed by Dr. Vincent. In your note (page 20 of the records) you have stated that the Hospital and the Doctor's quarters in the girls portion of the buildings are in defendant's possession. The defendant has complained that Dr.S.P. Chinnappa took possession of the hospital and the Doctor's quarters, church and 2 cottages, but this is supposed to be some where about May 1932-earlier than the Deputy Commissioner's letter. Under these circumstances I would like to have definite information as to the properties which are actually in the possession of the defendant and which are out of our possession. The actual value of these properties will also have to be furnished. Upon -

This is not what is stated in the note. Portions of these 3 have not been taken by the Amildar. It is only the bungalow that is in Mr. Midford's possession.

P.P.
26/8

S

Upon receipt of this information I will send you an estimate of costs necessary to enable me to institute the suit. The records are sent for your persual and return.

May I know where the original P.A. informer Mr. Bothwick dated I4-I-33 is to be found. I think it ought to be in our possession and we may need it.

Yours sincerely,

Public Prosecutor.

5

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law

File No. 15-33

Serial No. 6

Diary No. of letter replied to .....

No. P. 998 / Eri / file Mee & a file Hand

To

The PPr. Bangalore,

General and Revenue Secretariat

( )

the *193* .

Sir,

Date of issue 20/8/33

With reference to your letter no. 157/33-34 dated 25th Augt 33 I am directed to return herewith duly approved the draft plaint to be filed in the suit against Mr. J.C. Medford.

Signed by M.N. Mee

I am to state that Mr. Medford is in actual possession of only the bungalow in the Boy's unit. The suit may therefore be only with respect to this property so as to be in accordance with the notice issued by the Govt. Advocate. The building may be valued at Rs 3000/- for purpose of Court fee

List of enclosures.....

Copied by.....

Examined by.....

6

and Jurisdiction, and the mesne profits in the Shape of rent may be claimed from date of Suit @ Rs 25/- a month.

An estimate of Costs required for instituting the Suit may kindly be prepared accordingly and submitted for sanction of Govt.

Law file 1533 is also returned for reference.

MV 9/8 I have exe
for Genl Secy

ISD
29/8.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

7

General and Revenue Secretariat

Dated, Bangalore, 30th August 1933.

No. P 998 - Gen 2 -

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

Sir,

With reference to your letter No. 155/33-34, dated 25th August 1933, I am directed to return herewith duly approved the draft plaint to be filed in the suit against Mr. J.C. Midford.

I am to state that Mr. Midford is in actual possession of only the bungalow in the Boy's unit. The suit may therefore be only with respect to this property so as to be in accordance with the notice issued by the Government Advocate. The building may be valued at Rs. 3,000/- for purpose of court fee and jurisdiction, and the mesne profits in the shape of rent may be claimed from date of suit at Rs. 25/- a month.

An estimate of costs required for instituting the suit may kindly be prepared accordingly and submitted for sanction of Government

Law files 15-33 is also returned for reference.

I have the honor to be,
Sir,
Your most obedient servant,

For General Secretary to Government.

TRM.2

1253
P 831

No. 169/33-34

Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore,.....2nd..September.....193 3.

GTW

Law 5-33-7

FROM

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL SECRETARIAT
5 SEP. 1933
No. Law

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

SIR,

RE: Suit to be filed against Mr. Midford.

With reference to your letter No.P.998/Law. of the 30th August 1933, I have the honour to furnish below an estimate of costs required for instituting the above suit.

Stamp on plaint on Rs. 3000/-			231-4-0.
Vakalath	...	...	0-8-0.
Summons	...	...	0-10-0.
Contingencies	...	...	2- 0-0.
Advocate's fee on the regulation scale.			150- 0-0
Total.	...		384-6-0

I have the honour to be,
Sir,
Your most obedient servant,

G S Doraswamy Iyer
Public Prosecutor.

K.H.R.

9

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law

File No. 15-33

Serial No. 8

Diary No. of letter replied to .....

No. P./213/Encl

To

The Director of P.W.

General and Revenue Secretariat

( )

the *193* .

Date of issue 9/9/33

Signed by Jno. N. N. J. Rao

Sir,

In Continuation of the G.O. no. P. 725-32 dated 11-8-33 according sanction to institute a Civil Suit against Mr. J.C. Midford in the matter of obtaining possession of certain properties of the Heirs of Indian Mission at Doddaballapur, I am directed to forward herewith a copy of the Collr's letter no. 169/33-34 dated 4th Sept 1933 forwarding an Estimate of Costs required for instituting the Suit, and to request that a Sum of Rs 250/- as required for the present may be placed

List of enclosures.....

Copied by WM 8/9

Examined by.....

10

at the disposal of the Ppr, Bdare
immediately for furtherance of the filing
~~in accordance with~~ the suit.
~~rule 150 of the legal affairs.~~

Ans:-

I have ex
MY
6/9 for General sec

TSO
6/9

No.P.(214) - 7.9.33.
Copy to the Ppr. Bdare
for information.

11

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P./213 — 9/4 —

Dated, Bangalore, 8th September 1933.

From H. V. Ramasvami, Esq., M.A., B.L.,
General Secretary to the Government of His Highness the Maharaja of Mysore.

To

N. S. Subba Rao, Esq., M.A., Bar-at-Law.,

Director of Public Instruction

in Mysore, Bangalore.

Sir,

In continuation of the Government Order No.P.728-32 dated 12th August 1933 according sanction to institute a civil suit against Mr. J.C.Midford in the matter of obtaining possession of certain properties of the Heart of India Mission at Doddaballapur, I am directed to forward herewith a copy of the Bangalore Public Prosecutor's letter No. 169/33-34 dated 4th September 1933 furnishing an estimate of costs required for instituting the suit, and to request that a sum of Rs.250 may for the present be kindly placed at the disposal of the Public Prosecutor, Bangalore immediately for purposes of filing the suit.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. H. V. Ramasvami,

General Secretary to Government.

MEMO NO. P/214/ —

Copy of the above is forwarded ~~with compliments~~ to the Public Prosecutor, Bangalore for information.

By Order,

For General Secretary to Government.

T33.3

1936 P 833/12

No. 268/33-34

Enc. .....1 file of records.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore,.....9th October.....193 3.

11th Law 5-33-9

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

SECRETARIAT
11 OCT. 1933
No.

Sir,

RE: Suit to be filed against Mr. Midford for the recovery of a bungalow belonging to ~~xxxxxxxxxxxxxxx~~ Government of which he is in wrongful possession.

Ex
MD 12/10/33

I have the honour to state that the Director of Public Instruction has sent me a sum of Rs. 250/- to enable me to file a suit. The plaint is ready but I am very doubtful whether the scehdule is correct. Before actually lodging the plaint into court it is necessary to ascertain the exact and correct description of the property that the defendant is in possession of. This is essential for the purposes of the suit and I request that some responsible officer be directed to go there and after personal inspection give me the necessary particulars. It is not possible to get the correct description from the records. The entire records are sent for reference and return. Upon receipt of the records and the information the plaint will be filed.

I have the honour to be,

Sir,

Your most obedient servant,

G. Doraswamy Iyer
Public Prosecutor.

K.M.L.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

CP 1928 — Part 2 / Law 15-33-10 — 13

dy 28/10/33

To,

The D.C. B'lore,

Sir,

In Continuation of the G.O. No. P 728-32 dated 12.8.33 according sanction to institute a Civil Suit against Mr. J.C. Medford in the matter of obtaining possession of certain properties of Head of Indian Mission at Doddaballapur, I am directed to forward herewith a Copy of the B'lore Dist's letter No. 268/32-33 dated 11th Oct 1933 and the plaint sent therewith (for withdrawal) and to request that accurate information required re: the description, with boundaries of the Correct description of the property now actually in possession of the said Medford may kindly be obtained and furnished immediately.

I have etc.

Sd/- 26/10.

pp 26/10 for Secy to Govt

Copy to the Dist B'lore for information. The plaint and the Law file 1533 are herewith returned for further action.

WD 0255—GPB—10,000—23-8-32

14

G.R S. 31]

No. P 6938 (Sec 2
Law 15-33-10

From

The Secretary to the Government of His Highnsss
the Maharaja of Mysore, Genl. and Rev. Depts.

To

The Deputy Commissioner,
Bangalore District, Bangalore.

the 27th October 1933.

Genl. and Rev.
Secretariat.

Sir,

In continuatio. of the Government Order No. 728-32 dated 12th August 1933, according sanction to institute a Civil Suit against Mr. J.C. Widford in the matter of obtaining possession of certain properties of Heart of India Mission at Doddaballapur, I am directed to forward her with a copy of the Bangalore Public Prosecutor's letter No.268/33-34 dated 11th October 1933, and the draft plaint sent therewith (for kind return) and to request that the plaint Schedule may be re-verified & that accurate information re: the description, with boundary etc., of the property now actually in possession of Mr. Widford may kindly be obtained and furnished immediately.

I have the honour to be,
Sir,
Your most obedient servant,

GPB—8,000—14-3-07

for Secretary to Government,
General Department.

K.M.P.2/27-M.

5630 / 33

O. No. 32/33-3C

cuce 1 file 9 recd.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 4th December 193 3

15

Law 15-33-11

Dear Mr. N.R. Jaya Rao,

I am forwarding the file of papers relating to the suit to be filed against Mr. J.C. Midford and ~~request~~ request you to give me your opinion on the note of the subdivision officer. I will call at your office tomorrow or the 6th to discuss this case.

Yours sincerely,

S Doraiswamy Gr

Please keep on file

DDL 8/12/33

Re/cy, please

DDL 9/12

16

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 18/1/34

Signed by Jm N. M. J. Rao

List of enclosures ..... to institute the Suit after take further action

Copied by 17/1

Examined by .....

Section Law

File No. 15-33

Serial No. 12.

No. P 34357 Sec. I file of Records

To

The PWr. Bangalore.

Sir,

With reference to the Correspondence ending with your D.O. no. 32/33-34 of the 4th ultimo re: the proposed Civil Suit against Mr J.S. Midford for obtaining possession of certain properties of "Heart of India Mission" at Doddaballapur, I am directed to request you to ~~issued~~ issuing another notice to Mr. J.S. Midford, as suggested by the S.D.O. Bhse in his note dated 12.11.33. Calling upon him to hand over possession of all the

17/

properties mentioned in para 12 of the note.

The entire file of papers sent is herewith returned.

I have etc

ISD
17/1

PM for Genl Secy
17-1-34

Copy to the D.C. Bangalore for information

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 3435 Rev. I file

Bangalore, Dated, 17th January 1934

From The

General Secretary to the Government of His Highness the Maharaja of Mysore.

To The Public Prosecutor,
Bangalore.

Sir, With reference to the correspondence ending with your D.O. No.32/33-34 of the 4th ultimo regarding the proposed Civil Suit against Mr. J.C.Midford for obtaining possession of certain properties of Heart of India Mission at Doddaballapur, I am directed to request you to take further action to institute the suit after issuing another notice to Mr. J.C. Midford, as suggested by the Sub Division Officer, Bangalore in his note dated 12th November 1933 calling upon him to hand over possession of all the properties mentioned in para 13 of the note.

The entire file of papers sent is herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- H.V. Ramaswami,
General Secretary to Government.

Memo No. P 3436

Dated, Bangalore, 17th January 1934.

Copy of the above is forwarded with compliments to the Deputy Commissioner, Bangalore for information.

By Order,

General Secretary to Government.

RS

4041/P833 19

No. 555/33-34

Enc. (1)

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 22nd January *1934.*

FROM

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL SECRETARIAT
24 JAN. 1934
No.

To J.C. Midford, Esq.,
Guddadahalli, Dodballapur.

SIR,

25/1/34 I am instructed by the Government of Mysore to write to you as follows:-

That the Government have purchased from the Heart of India Mission Band their property near Doddallapur by virtue of a registered sale deed dated 28-4-1933 and that they were put in possessio of all the properties comprised in the said sale deed, except the properties mentioned in the schedule annexed herewith.

That though you were called upon to vacate and hand over possession of the same to Government, you have been putting forward untrue allegations and you have been refusing to deliver possession of the same to the local officers who were directed to take possession of the said property on behalf of Government and that your possessio. is wrongful and unauthorised and that you are not entitled to contin in possession of the same.

Please therefore take notice that if you do not vacate the build ing and properties above referred within fifteen days from the receip of this notice and hand over possession of the same to Government yo will be sued for relief in a court of law without further notice and that you will be held liable for all the costs etc., which Government will be obliged to incur thereby.

I trust that you will not give room to such unpleasantness.

P.T.O.

Yours faithfully,

Sd/ G.S. Doraswamy Iyer,
Public Prosecutor,
Bangalore Dn.,

K.H.R.

Memo. 556/33-34

Copy of the foregoing is submitted to the General Secretary to the Government of H.H. the Maharaja of Mysore, for information with reference to his letter No.P.3435/Law I5-33-I2. dated I8-I-34.

G.S. Doraswamy Iyer
Public Prosecutor.

W.P.D. 404/37

Schedule.

I. Survey No. 67 in Arahalli Guddadahalli, consisting of IO acres 2 guntas of land with 2 wells , mango, seege, tamarind and other trees and bounded as follows:-

North by S.No.66.
East by Arehalli Guddadahalli thak bed.
South by -do- -do-
West by S.Nos. 68 & 69.

2. Survey No. 68 in the same village consisting of about 6 acres and 6 guntas of land with a bungalow and trees and bounded by

North by S.No. 66.
East by S.No. 67.
South by S.No. 67
West by S.No. 69.

3. Survey number 69 in the same village consisting of about 9 acres and 21 guntas of land with jack, mango and other trees and a block of buildings which include (a) a chapel (b) two out houses and (c) a dilapidated building (except the Boy's School) and bounded as follows:-

North by. S.No. 66.
East by. S.No. 68 and 67.
South by . S.No. 88.
West by. S.No. 70 and 71.

4. Survey No.70 in the same village consisting of about 6 acres and 23 guntas of land with mud well, mango, honge and other trees bounded as follows:-

North by. S.No. 71.
East. by. S.No. 69.
South. by. S.No. 88.
West by. S.No. 71.

P.T.O.

5. Survey Number 71 in the same village consisting of 22 acres of land and bounded as follows:-

North by S.No. 63.
East by S.No. 69 & 70.
South by S.No. 87 & 88.
West by S.No. 72, 73, 74.

K.H.S.

Public Prosecutor.

4505/933

No. 629 33-34

Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 14th February *193* 4.

Law 15-33-13

FROM

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SIR,

RE: Suit to be filed against Mr.J.C. Midford.

With reference to your letter No.P.3435/Law I5-33-I2 dated I8-I-I934, I have the honour to state that a notice was issued to Mr.J.C.Midford on 22-I-I934 allowing him two weeks time to deliver possession of the schedule properties. He has acknowledged receipt of the notice on 26-I-I934, but has neither responded to the notice nor delivered possession of the properties. The suit will be filed shortly.

I have the honour to be,
Sir,
Your most obdient servant,

Public Prosecutor.

K.H.R.

Submitted for perusal.
Further report may be awaited.

505

4663 p 233

(25

In all future communications please quote
No....C2.3671/32-33.
Enc

Tel. Address.—"DEPCOM"
Post Box No 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated, Bangalore, the .....22nd..February.....*193* 4.

FROM

K.V. Anantaraman, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

To

H.V. Ramaswami, Esq., M.A., B.L.,
General *Secretary,*
to the Government of Mysore.
Bangalore.

GENERAL SECRETARY
24 FEB. 1934
No. 600

SIR,

Subject:—

With reference to the correspondence ending with your letter No.P.3435/Law. 15-33-12-dated the 13th January 1934 regarding the properties of the Heart of India Mission at Dodballapur transferred to Government, I have the honour to state that S.No.86 of Arehalli Guddadahalli measuring 3 acres of dry and wet land and containing a small hut was one of the properties which was included in the sale deed executed by Mr. Borthwick on behalf of the Mission. It is now reported by the Amildar that this survey number stands in the Khate of one Mr. J.C. Edmond Clark, and that although assessment on this Survey number was being paid by the Heart of India Mission, it is ascertained that this land is actually in the possession of two persons Messrs. Tanner and Manova who claim to hold the land by Registered sale deeds executed by Mrs. E.G. Eaton who held the Power of Attorney on behalf of the Mission before Mr. Borthwick. The sale deed in favour of Mr. Manova which has been examined by the Amildar mentions the survey number as 85 but the description and boundaries seem to indicate that what sough to be conveyed was in fact S.No.86, S.No.85 being in the enjoyment of one Reverend A.S. Paynter. The omission to detect this earlier is apparently due to the fact that the Survey number has been wrongly mentioned as 85 instead of 86.

I am instructing the Amildar to further investigate the question and satisfy himself that the S.No.86 really belongs to the above two individuals. I have also addressed a communication this day to Mr. Borthwick asking him to explain the circumstances under which a survey number which has been admittedly transferred to others by a previous holder of Power of Attorney on behalf of the Mission was included in the sale deed executed by him. On receipt of his reply, I shall send a

further

24

4583 (4663)

further communication to Government.

I have the honour to be,'
S i r,
Your most obedient servant,

DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

SVS.22-2-34.

32) Subd for perusal with previous papers. The further communication promised by the Dy. C. will be awaited.

for the meanwhile, a copy of this letter will be sent to Proper B-lore, for information & appd.

27/2/34

33) I do not see S.No. 86 included in the list of properties mentioned in the notice issued by the Dy C to Mr. Midford - Whether this is included in the sale deed has to be verified. Please put up the Land file containing the deed.

27.2.34

34) Main file & — before we Mr. M. in Connection with the representation of Mrs. Eaton. Return of the same will be awaited.

35) This has to be sent to Dewan today.

6/3

4687/33 25

No. 678 28-2-34

Enc. nil

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 23rd February *193* 4

Law 15-33-14

FROM

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL SECRETARIAT 26 FEB. 1934 No 320

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

26/2/34

SIR,

RE: The suit to be filed against Mr.J.C.Midford.

I have the honour to forward herwith in original the reply received from Mr.T. Siddalingiah, Advocate Doddaballapur to the notice issued to Mr.J.C.Midford on 22-I-1934 for information of Government and return.

I have the honour to be,
Sir,
Your most obedient servant,

G S Doraswamy Iyer
Public Prosecutor.

KHR.

OFFICE OF THE SECOND MEMBER OF COUNCIL. 2 MAR 1934 No 5646

36) Submitted for perusal
II member) 2/3/34

5-3-34

TYPING SECTION 8. MAR. 1934 GEN. SECTT.

37) Subt with a/f returned rec'd reply rec'd from Mr. T. Siddalingiah a copy of which be retained here for reference

26/3

38) Issue 7-3

enclosed

26

T. Siddalingiah, Esq., B.A , B.L.,
Advocate, Doddaballapur.

Doddaballapur,
Dated 20-2-1934.

To

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor, Bangalore Division,
District Office Buildings, Bangalore.

Dear Sir,

Under instructions of my client, Mr. J.C. Midford, Guddahli, I beg to state as follows:-

That he acknowledges the receipt of your notice No.555 of 22nd January 1934 issued by you on behalf of your client, The Government of Mysore. That he took ~~xaxk~~ into his possession the properties under schedule under a document of title from a rightful authority. That he has been lately dispossessed forcibly and other lands and buildings situated in the village of Bachattahalli, namely (1) survey No.56 excpet that portion on which the girl's home is situated. (2) Hospital, Doctor's quarters with its several out houses built on the above survey No.56 comprising 12 acres -- , 17 guntas. (3) Survey No.57 with mangoe tope, a stone well and a watchman's hut, for which he is entitled to take action against your client in due course. That he is a bonafide owner in possession and has no intention to put up an unrighteous dispute but that he has placed all his cards on the tables and has concealed nothing. That your client is aware of all the facts and yet has subsequently entered into a contract if any, at their risk. That under these circumstances my client is entitled to continue in possession of the schedule properties and to take such action as necessary and advised to recover the properties that he is dispossessed of.

Yours faithfully,
Sd. T. Siddalingaiya,
20-2-34.

"Copy"

NSG.

D.O.A.C2-3671/32-33

MR. K. V. ANANTARAMAN,
DEPUTY COMMISSIONER.

BANGALORE
Dated, 13th March 1934.

279

GENERAL SECRETARIAT

Dear Mr. Wajid,

May I request you to kindly arrange to send the registered sale deed executed by the Heart of India Mission in respect of their properties at Dodballapur as the same is required by the Public Prosecutor urgently for filing in Court with the plaint?

This document was sent to you for record with my letter No.3671/32-33 dated 4-5-1933.

Yours sincerely,

K Ananthaman

Went
Mail
14/3/34

S. Abdul Wajid, Esq., B.A.,
General Secretary to Government,
Bangalore.

28

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 4352 / Rev

Dated, Bangalore, 15th March 1934.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Deputy Commissioner,
Bangalore District,
Bangalore.

Sir,

As desired in your D.O.letter No.C2. 3671/32-33 dt 13th March 1934, I am to forward herewith the registered sale deed executed by the Heart of India Mission' in respect of their properties at Doddaballapur.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

hks. 2

29

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193

As desired in your D.O
Letter No: C2.367/32-33

Date of issue .....

15/3/34 & 13 March 1934

Signed by .....

Section

File No.

Serial No.

No. P 4354/Sec I/Deed

To The Deputy Commissioner
Batticaloa

~~Dear Mr Arunachalam~~
Sir

I am to forward herewith ~~herewith enclose~~ the registered sale deed executed by the Head of India Mission in respect of their properties at Doddalallapur. as ~~required in your D.O. No. C2.367/32-33~~ dated 13th March 1934.

~~Yours Sincerely~~
Yours

RMP
1573

To,
K. V. Arunachalam Esq B.C
~~D.C.~~ Batticaloa

List of enclosures .....

Copied by .....
16/1

TBD
15/3

Examined by .....

30

No. 746
263-34

Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.
DISTRICT OFFICE BUILDINGS.

Bangalore, 19th March *193* 4.

5136/P/33

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL SECRETT.

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SIR,

I have the honour to state that the suit against Mr. J.C. Midford was filed to-day in the Court of the Subordinate Judge, Bangalore.

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

KHR.

31

31

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore,.....20th March.....*1934*.

5143 P 33

C.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To
The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

RE: O.S.No.77/33-34 on the file of the Sub Judge, Bangalore. (Government -VS- Mr.J.C. Midford.)

In continuation of this office letter No.746/33-34 of the 19th instant regarding the above case, I have the honour to state that the above case has been registered as Original Suit No.77/33-34 and is posted to the 16th May 1934 for return of summons of the defendant.

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

KHR.

Submitted for perusal
further progress will be awaited

ISD
mjs

22/3

22/3.

5749 P 33

No. 756 753-34

Enc. Copy of plaint

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS.

Bangalore, 21st March, 193 4

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL SECRETARIAT 21 MAR

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SIR,

RE: O.S.No.77/33-34 on the file of the Sub-Judge, Bangalore.
(Government -VS- Mr.J.C.Midford)

In continuation of this office letter No.749/33-34 of the 20th instant regarding the above case, I have the honour to send herewith a copy of the plaint filed in court in the above case for f information of Government.

I have the honour to be,
Sir,
Your most obedient servant,

G S Doraswamy Iyer
Public Prosecutor.

KHR.

Sub? for perusal

Secy

Appl. No 5145/38

filed on 19/3/34

33

In The Court Of The Subordinate Judge, Bangalore.

O.S.No. /33-34.

The Government of Mysore, by the Deputy Commissioner, Bangalore District, Bangalore. — Plaintiff.

-VS-

J.C.Midford, son aged residing at Guddahalli, Doddaballapur Taluk. — Defendant.

Under order VII rule I of the code of Civil Procedure, the plaintiff abovenamed states as follows:-

I. The address for service of all processes of court etc., of the plaintiff and defendant is as stated above. Processes etc., that may have to be served on the plaintiff's advocate Mr.C.S.Doraswamy B.A.,B.L., Public Prosecutor and Government Pleader, Bangalore.

2. By an indenture of sale dated 28-4-1933 the plaintiff purchased the properties described in the schedule hereunder written along with various other items of properties from the Heart of India Mission. The sale deed is annexed herewith and the plaintiff prays that it may be read as part and parcel of these pleadings.

3. By virtue

3-4

3. By virtue of the Indenture of sale the plaintiff became the absolute owner of the properties and became entitled to possession thereof.

4. The defendant is in wrongful possession of the shhedule properties.

5. The defendant has no manner of title or interest in the properties nor is he entitled to remain in possession thereof.

6. In spite of repeated demands the defendant has failed to quit and deliver possession of the schedule properties but has been setting up false and untenable claims.

7. The plaintiff had a registered notice sent to the defendant on 18-7-1933 and on 23-I-1934 and in spite of it the possession of the properties has not been delivered over.

8. The defendant is also liable to pay mesne profits at the reasonable rate of Rs. 50/- per mensem from date of suit up to the date of delivery of possession.

9. The cause of action arose on 28-4-1933 when the plaintiff purchased the properties and on I-8-1933 when by the defendant was asked to deliver possession by the registered notice and within the jurisdiction of this Hon'ble court.

IO. the value

IO. The value of the properties in possession of which is now sought to be recovered is Rs. 2900/— and a court fee of Rs. 225/— is paid hereon.

II. The plaintiff prays for a decree directing the defendant.

(1) To quit and deliver possession of the properties described in schedule to the plaintiff or his agent.

(2) To pay mesne profits at the rate of Rs. per mensem from the date of suit up to date of delivery of possession.

(3) To pay all costs of suit and interest on such costs until payment.

Advocate for plaintiff. Plaintiff.

I, the abovenamed plaintiff do hereby declare what is stated above is true to the best of my knowledge, belief and information.

Bangalore.

Plaintiff.

S c h e d u l e.

I. Survey No. 67.

36

I. Survey No. 67 in Arahalli Guddadahalli, consisting of IO acres 2 guntas of land with 2 wells, Mango, seege, tamarind and other trees and bounded as follows:-

East by Arohalli Guddadahalli tank bed.
West by S.No.68, and S.No.69.
North by S.No.66.
South by Arehalli Guddadahalli tank bed.

2. Survey No. 68 in the same village consisting of about 6 acres and 6 guntas of land with a bungalow and trees and bounded by

East by S.No.67.
West by S.No. 69
North by S.No. 66.
South by S.No. 67.

3. Survey number 69 in the same village consisting of about 9 acres and 21 guntas of land with jack, mango and othe trees and a block of buildings which include (a) a chapel (b) two out houses (c) a dilapidated building (except the Boy's school) and bounded as follows:-

East by S.No.68, S.No. 67,
West by S.No. 70. S.No.7I.
North by S.No. 66.
South by S.No. 88.

4. Survey No.70 in the same village consisting of about 6 acres and 23 guntas of land with mud well, mango, honge and other trees bounded as follows:-

East by S.No.69
West by S.No. 7I.
North by S.No. 71.
South By S.no. 88

5. Survey No.71 in the same village consisting of 22 ~~xxxx~~ acres of land and bounded as follows:-

East - by S.No.69 and S.No.70.
West by S.No.72 S.No.73. S.No.74.
North by S.No. 63.
South by S.No. 87 S.No.88.

Plaintiff.

38

No. 1106
Enc. 33-34

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 18th June *193* 4

F.6745-

FROM

C.S.Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL SECRETARIAT
20 JUNE 1934

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

Sir,

RE: O.S.No.77/33-34 on the file of the Subordinate Judge, Bangalore. (Government of Mysore, ~~Bangalore~~ -Vs- Mr. J.C. Midford.)

I have the honour to state that in this case the defendant has called upon us to produce in court two documents in favour of Government viz, the documents under which Rs.16000/- was paid, dated 27-6-1927 and 26-6-1928 referred to in our sale deed para 2. I request that the documents may be obtained and sent to me for being produced in court.

I have the honour to be,
Sir,
Your most obedient servant,

C S Doraswamy Iyer
Public Prosecutor.

KHR.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 3954 — Bangalore, Dated, ~~28th June 1934~~ 29 (39)

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Deputy Commissioner,
Bangalore District.

Sir, O.S.77/33-34 on the file of the Sub Judge, Bangalore. (Govt. Vs. J.C.Hidford)

With reference to the correspondence ending with this office letter No.P.4334 dated 15th March 1934, I am directed to forward herewith a copy of the letter No.1106/33-34 dated 18th June 1934 from the Public Prosecutor, Bangalore, calling for the documents dated 27th June 1927 and 26th June 1928 referred to in the sale deed para 2, and to request that the said documents may kindly be obtained and sent to the Public Prosecutor direct for being produced in Court.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- S.Abdul Wajid
General Secretary to Govt.

P.T.O.

Memo No. P3953
of the foregoing is forwarded

Copy to the Public Prosecutor Bangalore,

for information.

By Order,

For General Secretary to Govt.

ISD

48

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 29/6/34

Signed by .....

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. P 3954/Enl

To The D.C. B'lore.

O.S. 77/xxxx on the file of the Sub. Judge B'lore (Govt vs J.C. Medford)

Sir

With reference to the Correspondence ending with this office letter no. P. 4334 dated 15th March 1934. I am directed to forward herewith a Copy of the letter no. 1106/xxxx d 18.6.xx from the Pvr. B'lore Calling for the documents dated 29.6.1927 and 26.6.27 referred to in the Sale deed para 2, and to request that the said documents may kindly be obtained and

99

Sent to the Pbr. Direct for being produced in Court.

I have exe
PPF
17.6.34
for Sec'y

TSD
26/1

No P39534

C/3 to the Pbr. Release for immediate.

402

No. 11
33-34

Office of the Public Prosecutor,
Bangalore Division,
Bangalore, dated, 7th July 1934.

P 173

From

G.S.Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore.

Where is this?

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

Sir,

RE: O.S.No.77/33-34 on the file of the Subordinate Judge, Bangalore.
(Government -VS- Mr. J.C. Midford.)

I have the honour to state that I have taken time till 17th July 1934 to file documents in court called for by the defendant. I request that the documents may kindly be obtained and sent to me before the date of hearing.

I have the honour to be,
Sir,
Your most obedient servant,

G Doraswamy Iyer
Public Prosecutor.

KHR.

The DC Bl'ore requested to obtain and send the records required above to the PP. Bl'ore (vide letter dated 13.6.34)
Copy of the letter is sent to the PP. also for information
of appl? his attention may be invited to his office memo
dated 13.6.34 & he will be instructed accordingly to move the DC. in the
matter.

13/7

12/7

13/7

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P/180 *Bangalore, Dated,* 12th July 1934.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

Sir, (O.S.No.77/33-34 on the file of the Sub-Judge, Bangalore - Government Vs. J.C.Hidford).

With reference to your letter No.11/33-34 dated the 7th July 1934 requesting for certain documents required to be produced in the above case, I am directed to invite reference to this office memo.No.P.5955 dated the 29th June 1934 and to request that the Deputy Commissioner, Bangalore District, may kindly be moved in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. S.Abdul Wajid,
General Secretary to Govt.

P.T.O.,

44

Memo.No.P. / 81 /

Bangalore, 12th July 1934.

Copy on the reverse is forwarded with compliments to the Deputy Commissioner, Bangalore District for information and early action.

By Order,

For General Secretary to Government

rvk.3.

45

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 21/7/34

Signed by .....

List of enclosures .....

Copied by .....

Examined by.....

Section Laws

File No. 15-33

Serial No.

No. P 180/

To

The DPr. Bijnor

O.S. No. 77/xxxii on the file of the Sub-Judge Bijnor (Govt vs J.C. Mashood)

Sir

With reference to your letter no. 11/33-xxxii dt 7.7.34 requesting for certain documents required to be produced in the above case. I am directed to invite reference to this office memo no. P. 5955 dt 29.6.34 and to request that the DC. Bijnor may kindly be moved in the matter.

M/s 17/7/34 D Laws etc for Secy

(No. P. 181)

WD 01966—GPB—22,500—12-6-34

Copy to the DC. Bijnor for information and early action.

1907 934

No. 371 34-35

Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

(Camp Tumkur) *Bangalore*,....25th September.....193 4.

FROM

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,

Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL SECRETARIAT
29 SEP

To

The Deputy Commissioner,
Bangalore.

RE: O.S.NO.77/33-34 on the file of the Subordinate Judge, Bangalore. (Government -VS- Mr.J.C.Midford)

SIR,

With reference to your letter No.C2.3671/31-32 dated the 19th instant, I have the honour to send herewith the affidavit for being sworn to by the Amildar of Doddaballapur before a Magistrate and returned. As soon as it is received it will be filed into court. The necessary application is also enclosed herewith for your persual and return.

I have the honour to be,

Sir,

Your most obedient servant,

SD/ G.S. Doraswamy Iyer,

Public Prosecutor,
(Camp Tumkur)

KHR.

372/34-35
encl (1)

Copy of the foregoing is submitted to the General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore with a copy of the affidavit for information of Government.

Public Prosecutor.

The PP. has proposed to file an affidavit for temporary injunction

Submitted for persual

JSD 2/10

PPP 1/10

Sec 2/10

Ex KD. 1907/34

49

IN THE COURT OF THE SUBORDINATE JUDGE, BANGALORE.

O.S.No.77/33-34.

The Government of Mysore, by the Deputy Commissioner, Bangalore. — Plaintiff.

-VS-

Mr. J.C. Midford. — Defendant.

Affidavit.

I son of Amildar, Doddaballapur Taluk do hereby solemnly affirm and state as under:-

I. I have been the properties purchased by the Government and which are the subject matter of the above suit and am aware of the facts of the case.

2. The defendant Mr.Midford who has been in unauthorised possession of the same has been committing acts of waste by cutting and removing trees standing in the premises and by other unlawful acts.

3. The properties will be considerably diminished in value by such acts of waste.

4. Mr. Midford is not a person from whom adequate compensation could be recovered for the aforesaid acts of waste. He has been persisting in the acts in spite of request not to do so.

55 48

5. I am informd and believe it to be true that the plaintiff has got a good case and is likely to succeed and that this fact is known to the defendant.

6. I believe that the defendant knowing that he has no title to the property wants to make as much out of it as possible before he is evicted by the plaintiff in due course.

7. No harm or prejudice would be caused to the defendant by the granting of an order of temporary injunction restraining him from committing the aforesaid aforesaid and other acts of waste and spoliation

8. If an order of temporary injunction is not passed the plaintiff will suffer irreparable loss and damage.

9. Under the circumstances it is just and necessary that an order of temporary injunction restraining the defendant from such and other acts be issued and an adinterim order be issued pending disposal of this application.

2a43 p834

No. 396/34-35

Enc. (4)

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 4th October *1934.*

Law-15-33-15

GENERAL SECRETARIAT
15 OCT. 1934

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,

Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SIR,

RE: O.S.NO.77/33-34 on the file of the Subordinate Judge, Bangalore. (Government -VS- Mr.J.C. Midford.

I have the honour to forward herewith the written statement filed in this case and also a reply proposed to be filed for approval of Government. If the latter is approved it may be returned for being signed by the Deputy Commissioner, Bangalore and filed into court. The written statement may also be kindly returned after perusal by Government. The case is posted to 10-10-34 for filing reply.

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

KHR.

IN THE COURT OF THE SUBORDINATE JUDGE, BANGALORE.

O.S.No.77/33-34.

The Government of Mysore,
by the Deputy Commissioner,
Bangalore.) PLAINTIFF.

-VS-

Mr.J.C.Midford. DEFENDANT.

The plaintiff files the following reply statement.

I. The Plaintiff states that all the particulars required by law are furnished in the plaint and that the allegations regarding the plaint are unfounded. The plaintiff has produced the documents wanted by the defendant.

2. The plaintiff denies all the allegations in para 2 of the written statement. The particulars of the fraud or collusion alleged are not furnished as required by law. The document relied upon by the plaintiff is supported by consideration and does give a full and complete title to the plaintiff which is valid in law.

3. The defendant has no right to be in possession of the properties. The plaintiff is the registered proprietor of the plaint schedule properties and is entitled to possession. The defendant himself does not put forward any title to the properties or to their possession and his plea that he is entitled to possession by virtue of an agreement for sale with the plaintiff's vendors is not maintainable in law. The defendant has no registered document in his favour and the plaintiff submits that he is entitled to a decree on the pleadings themselves and the admissions contained therein.

57

4. The allegations in para 4 of the written statement are not correct. The plaintiff never at any time recognised the plaintiff's right to the properties but purchased them from their lawful owners. The reference to the plaintiff's officers and the other Indian Christian gentleman is irrelevant for the purposes of the present suit, and although the plaintiff is not bound to plead yet denies all the allegations.

5. The plaintiff is not estopped from questioning the defendant's title. The defendant has not set forth how the plaintiff is estopped.

6. The defendant's resistance to the deliveries of possession is unlawful and the plaintiff is entitled to possession.

7. The mesne profits claimed are not excessive and the plaintiff is entitled to the amount claimed.

8. The plaintiff denies that the defendant has effected any improvements. On the other hand the plaintiff learns that the defendant is committing acts of waste.

9. Assuming that the defendant has effected any improvements he is not entitled to the value of such improvements as they were effected with full knowledge of the plaintiff's title.

10. The plaintiff denies all other allegations which are not admitted either in the plaint or in this statement.

11. The plaintiff prays for a decree as prayed for in the plaint.

Counsel for plaintiff. Plaintiff.

I, the plaintiff, abovenamed do hereby declare what is stated above is true to the best of my knowledge, belief and information.

Bangalore
Oct. 1934 } Plaintiff.

5249

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law

File No. 15-33

Serial No. 16

Diary No. of letter replied to .....

No. P-1742/Secr

To

The Dy. C'lor

O.S. 77/1932 on the file of the Sub Judge, C'lore (Govt vs Mr. J.C. Ridgway)

General and Revenue Secretariat

( )

the *193* .

Date of issue 11/10/34

Sir

Signed by

I am directed to return herewith duly approved the ~~reply~~ Statement ~~proposed~~ to be filed in the above case, sent with Govt letter no. 396/1932 dt 4.10.34

List of enclosures .....

I have etc.

for Secretary

Copied by ... JSD 10/10

Examined by .....

WD 01956—GPB—22,500—12-6-34

53

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 1742 Gen

Dated, Bangalore, 11th October 1934.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore Division.

O.S.77/33-34 on the file of the Sub-Judge, Bangalore.
(Government - VS- Mr. J.C. Midford).

Sir,

I am directed to return herewith duly approved the reply statement to be filed in the above case, sent with your letter No.396/34-35 dated 4th October 1934.

I have the honour to be,

S i r,

Your most obedient servant,

for General Secretary to Government.

K.M.R.2/11.X.34.

3178 P 234

54

No. 611/34-35

Enc. (1)

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

(Camp Tumkur) Bangalore, 6th December 193 4

GENERAL BRANCH 7 DEC. 1934 FILE

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,

Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

SIR,

RE: O.S.No.77/33-34 on the file of the Subordinate Judge, Bangalore. (Government -VS- Mr.J.C. Midford.)

I have the honour to state that issues have been framed in the above case and the same has been posted to the 10th January 1935 for evidence. The copy of issues ~~adopted~~ framed by the court is enclosed herewith for information of Government.

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor,
(Camp Tumkur)

Submitted for perusal

7/12/34 KHR.

7/12

Dr. C.
7/12

IN THE COURT OF THE SUBORDINATE JUDGE, BANGALORE.

O.S.No.77/33-34.

The Government of Mysore, by the Deputy Commissioner, Bangalore.) PLAINTIFF.

-VS-

Mr.J.C.Midford. DEFENDANT.

The plaintiff files the following reply statement.

I. The Plaintiff states that all the particulars required by law are furnished in the plaint and that the allegations regarding the plaint are unfounded. The plaintiff has produced the documents wanted by the defendant.

2. The plaintiff denies all the allegations in para 2 of the written statement. The particulars of the fraud or collusion alleged are not furnished as required by law. The document relied upon by the plaintiff is supported by consideration and does give a full and complete title to the plaintiff which is valid in law.

3. The defendant has no right to be in possession of the properties. The plaintiff is the registered proprietor of the plaint schedule properties and is entitled to possession. The defendant himself does not put forward any title to the properties or to their possession and his plea ~~and~~ that he is entitled to possession by virtue of an agreement for sale with the plaintiff's vendors is not maintainable in law. The defendant has no registered document in his favour and the plaintiff submits that he is entitled to a decree on the pleadings themselves and the admissions contained therein.

4. The allegations in para 4 of the written statement are not correct. The plaintiff never at any time recognised the plaintiff's right to the properties but purchased them from their lawful owners. The reference to the plaintiff's officers and the other Indian Christian gentleman is irrelevant for the purposes of the present suit, and although the plaintiff is not bound to plead yet denies all the allegations.

5. The plaintiff is not estopped from questioning the defendant's title. The defendant has not set forth how the plaintiff is estopped.

6. The defendant's resistance to the deliveries of possession is unlawful and the plaintiff is entitled to possession.

7. The mesne profits claimed are not excessive and the plaintiff is entitled to the amount claimed.

8. The plaintiff denies that the defendant has effected any improvements. On the other hand the plaintiff learns that the defendant is committing acts of waste.

9. Assuming that the defendant has effected any improvements he is not entitled to the value of such improvements as they were effected with full knowledge of the plaintiff's title.

10. The plaintiff denies all other allegations which are not admitted either in the plaint or in this statement.

11. The plaintiff prays for a decree as prayed for in the plaint.

Counsel for plaintiff. Plaintiff.

I, the plaintiff, abovenamed do hereby declare what is stated above is true to the best of my knowledge, belief and information.

Bangalore
Oct. 1934 } Plaintiff.

55

IN THE COURT OF THE SUBORDINATE JUDGE, BANGALORE.

O.S.No.77/33-34.

The Government of Mysore, by the Deputy Commissioner Bangalore. — Plaintiff.

-VS-

Mr.J.C. Midford. — Defendant.

ISSUES.

I. Is the Defendant entitled to continue in possession of the suit schedule properties as against the plaintiff ?.

2. Is the sale in favour of the plaintiff true and valid ?.

3. Whether the plaintiff is entitled to profits and if so at what rate.

4. Is the defendant entitled to be reimbursed for improvements and if so what is the value thereof?.

5. Is the suit as brought not maintainable and is it on account of misjoinder of parties and causes of action.

6. To what reliefs if any is the plaintiff entitled ?

Copy'

KHR.

Public Prosecutor.

3815-P24 56

E.O. No. 694 34-35

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,

DISTRICT OFFICE BUILDINGS,

Bangalore,.....9th.....January.....193 5.

IMMEDIATE.

Dear Mr. Jaya Rao,

Can you kindly let me know if you have any papers connected with the Suit filed by Govt. against Mr. J.C.Midford? I believe that the Secretariat file is with you. As the Defendant has summoned us to produce his letters, I request you to kindly send the file to me with the bearer. The case is posted to the 10th instant. I request you please treat the matter as very urgent.

Yours sincerely,

N.R. Jaya Rao, Esq., M.A.,LL.B.,
Assistant Secretary,
Law Department, BANGALORE.

57

Appendix F. G.–1]

SUBJECT.....

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.....

Diary No. of letter replied to.....

General and Revenue Secretariat.

( )

the 193 .

Date of issue 9/1/35

Signed by H.N.M/R

List of enclosures.....

Copied by P.S. 9/1/35

Examined by.....

Section.

File No.

Serial No.

No. P 3405/Gen/file

To

Dear Mr. Duraiswamiyer

I am sending herewith the Secretariat file Law 15/33 as it is relating to the civil suit against Mr. J.E. Midford, required in your D.O. no. 696/Misc of today.

The receipt of the file may kindly be acknowledged.

Yours sincerely

9/1

To,

S.S. Duraiswamiyer Esqr.

P.P.C. Bar.

19
9/1

885 P 335

Edn. New 92-1

Postal Address:—POST BOX No. 6.
Tel. Address:—EDUCATION, Bangalore.

58

Department of Public Instruction.
Government of Mysore.

Law 15-33-18

No.D1 - 3008-255/34-35.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION IN MYSORE,

ENCL.

Bangalore, dated 6th August *1935*.

8 AUG. 1935

FROM

N. S. SUBBA RAO, ESQ., M.A., BAR.-AT-LAW,
Director of Public Instruction in Mysore,
Bangalore.

8 AUG. 1935

To

H.V. RAMASVAMI, ESQ., M.A., B.L.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
BANGALORE.

SIR,

SUBJECT:- Regarding paying a further sum of Rs 50/- to the Public Prosecutor, Bangalore, in connection with the Civil suit instituted against one Mr. J.C. Midford.

With reference to your letter No. P.1213/Law 15-33-8 dated 8th/9th September 1933, requesting me to place a sum of Rs 250/- at the disposal of the Public Prosecutor, Bangalore, for filing a suit against the above named gentleman in the matter of obtaining possession of certain properties of the Heart of India Mission at Doddaballapur, I have the honour to state that a sum of Rs 250/- was accordingly paid to the Public Prosecutor and he has so far furnished details for the expenditure of a sum of Rs 242-9-6 out of that amount. He requests that a further sum of Rs 50/- may be sent to him immediately in order to take out summons to one Mr. William Borthwick who is said to be residing at Salem. He also states that the case is posted to 10th August 1935.

In the circumstances, I have advanced a sum of Rs 50/- out of this office imprest subject to the adjustment of the same after obtaining sanction of Government for the payment.

I request, therefore, that sanction may be kindly accorded for the payment of a further sum of Rs 50/- now required by the Public Prosecutor. It is too early to point out a source to meet the cost out of --

P.T.O.

53
56

the grants allotted in the current year's budget. Hence the cost may be kindly ordered to be met out of a source to be indicated later.

I have the honour to be,

Sir,

Your most obedient servant,

K. S. Rao

DIRECTOR.

N.J.P/6-8.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary. No of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 17-8- 193[illegible].

Signed by Dr M.R.G.

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Ms - 4

Section Law

File No. 15-33

Serial No. 19

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— Letter no. C. 1133 Law 15-33-8 d 9.9.33 addressed to the D.C.B. requesting him to place a sum of Rs 200/- at the disposal of the Addl. Bijnor in connection with the institution of the suit O.S. 77/33-34 on the file of the Order thereon. No. Sub-Judge, Bijnor (Govt of Mys vs J.E. Medford) — Case relating to recovery of pension of personal properties of Heirs of Indira Missin at Doddaballapur.

2. Correspondence ending with the letter no. D1-3008/33-34 d 8.8.33 from the Dept of P.D.

69

solicitor in the circumstances stated
sanction of Govt to advance a
further sum of Rs 50/- required
by me for Bihar in order to take
out Summons to one Mr. William
Brunton who is said to be residing
at Salem, the Civil being met
out of a Suspense to be indicated
later.

Order:- MOP 1142-43 / Law 15-33-19
dated 17-8-1935-

Sanctioned

[illegible]
General Secy
15/10/8

To,

The D.B.9.

Comptroller to Govt

Copy to Edr Br.

List of Enclosure

Copied by [illegible] 15/8/35

Examined by

Extra

69

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Letter No.P.1213-Law.15-33-8 dated 9th September 1933 addressed to the Director of Public Instruction in Mysore requesting him to place a sum of Rs.250/- at the disposal of the Public Prosecutor Bangalore in connection with the institution of the suit O.S.77/33-34 on the file of the Subordinate Judge, Bangalore, (Government of Mysore Vs. J.C.Midford) - case relating to recovery of possession of several properties of Heart of India Mission at Dodballapur.

2. Correspondence ending with the letter No.D.1.3008/34-35 dated 8th August 1935 from the Director of Public Instruction soliciting in the circumstances stated sanction of Government to advance a further sum of Rs.50/- required by the Public Prosecutor Bangalore in order to take out summons to one Mr.William Buthwick who is said to be residing at Salem, the cost being met out of a source to be indicated later.

Order No. P 1142-43/Law 15-33-19

Dated Bangalore, the 15th August 1935.

Sanctioned.

for General Secretary to Government.

To

The Director of Public Instruction in Mysore.
Comptroller to Government.

B.K.M.S.

1370 P 35 PB

No 253 35-36
Enc. 1 file

Confidential

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 28th August *193* 5.

Law 15-33-20

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL SECRETARIAT 30 AUG 1935

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

G.A. may consider

SIR,

RE: O.S.NO.77/33-34 on the file of the Subordinate Judge, Bangalore. (The Government of Mysore -VS- Mr. J.C. Midford.)

XXX Pool 3818

I have the honour to state that in this case a suit was filed in the court of the Subordinate Judge, Bangalore for the recovery of certain properties from the defendant. The copies of the pleadings are annexed herewith for perusal and return. The suit is based on a registered deed of sale executed by the Heart of India Mission. Prima facie we are entitled to possession or the suit schedule properties. The defendant whom we seek to eject does not put forward any title to possession but merely pleads that our vendors have agreed to sell him the properties in question. The defence is untenable as the law stands in Mysore and this point has been stressed repeatedly.

The defendant has filed an application for the examination of certain witnesses on commission at California. The copies of the application & Objection Statement are enclosed herewith ~~along with the objections that were filed~~. The case was argued at length and the Subordinate Judge has ordered a commission to issue and has directed that it should be by interrogatories. ~~Exhs~~ The order is in my opinion erroneous. The defendant has not made out that the examination of the said witnesses is necessary within the meaning of Order XXI, Rule 5 of the Code of Civil Procedure. The language of that rule

is

is different from that of Rule I of the said order. Every point was urged before the Subordinate Judge but still a Commission was ordered to be issued. The issue of a Commission will protract proceedings and is unnecessary and without jurisdiction and the applicatio is made merely to protract and delay delivery of possession. The method of recording evidence by interrogatories (assuming the issue of Commission to be legal) would considerably prejudice us and our case. The order of the court is against the Rules of Practice. It was urged before the Sub Judge that if the defendant be examined first, then it would be possible to show that the Commission evidence would be unnecessary. The request was not acceded to. In my opinion a Revision Petition may be preferred against the order. I request that the Government Advocate may be consulted and if approved by him a Petition may be filed in the court. If instructed, I will explain the facts and discuss the case personally. The copy of the Order of the Subordinate Judge is enclosed herewith for perusal of Government.

I have the honour to be,
Sir,
Your most obedient servant,

T. Desaswamy Jr.
Public Prosecutor.

KHR.

No 293
35-36
Enc. ...one

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 9th September *193* 5.

65.

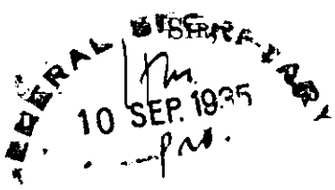
1656 of 35

FROM G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,

Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.



RE: O.S.NO.77/33-34 on the file of the Subordinate Judge, Bangalore.(The Government of Mysore, -VS- Mr. J.C. Midford.)

In the above case the defendant has filed a set of interrogatories for the examination of his witnesses on commission. I propose with the approval of Government to file the annexed application and objections. The case is posted to the 12th instant for filing cross interrogatories.

Have we received the file back from GA?

I have the honour to be,

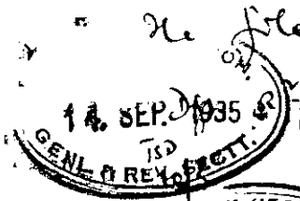
Sir,

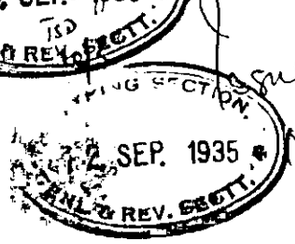
Your most obedient servant,

Public Prosecutor.

KHR.

The file has not been received back





Issued no. need ng. Sec

Dft returning proof

Issue

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*

NOP 1870 dy 14-9-35
Secretariat

To,

The Bar. Bloe

- O.S. 77/1935 on the file of the Sub-Judge, Bloe

(Govt v/s Jc. Medford)

Sir,

I am directed to return herewith draft approved as a statement of objections same with your letter no. 793/35 SS dt 9.9.35

I have the

pre
13/9 for Secretary

TSD
13/9

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary. No of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 18-9-35 ~~193~~ .

Signed by H.Y.M.R.J

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section Law

File No. 15-M3

Serial No. 21

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— G.O. nos. 8 728-32 Law dd. 15-33-3 d 12 8 33 according sanction to institute a Civil suit against one Mr. J.E. Medford in re matter of obtaining possession of certain properties ~~of Heir of Late Hiriyan~~ at Doddaballapur purchased by Govt from the Heirs of Late Hiriyan — ~~Order thereon. No.~~

Correspondence ending with re lr no. 253/35-36 d 28.8.35 from re Sr. Asst Comr Doddaballapur soliciting sanction of Govt in re Ceremonies stated. to file a revision petition in the H.C. against re order of re Sub-Judge Bllr issuing a Commn

on behalf of the Govt
for examination of certain ~~depositions~~
~~on behalf of the defendant~~
witness at California, in the ~~original~~
~~noted~~ case

Order No P. 1958-58 dt 18-9-58

Govt are advised that this is a fit Case in which the H. Ct. may be moved in revision to set aside the order of the Sub. Judge Bhe in the above case. The Govt. Ad. is requested to take steps in time to file a revision petition in the H. Ct. The D. C. O. is requested to place at the disposal of the G. Ad. necessary funds required for the purpose.

→ C.S. 77/3358 on the file of the Sub Judge Bhe (Govt vs Je. Mohd)

List of Enclosure

JPM 17.9.58 Gen Secy
TSD 17/9

To,

1) The G. Ad. with the Connected papers sent with the Govt's letter dated 5.33

Copied by

2) " Pvt. Bhe

Examined by

3) " D. C. O.

4) " Comptroller to Govt

Dft to Edr.

WD 0285—GPB—15,000—13-8-34

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

READ:-

Government Order No.P.728-32/Law.15-33-3 dated 12th August 1933 according sanction to institute a civil suit against one Mr.J.C.Midford in the matter of obtaining possession of certain properties at Dodballapur purchased by Government from the Heart of India Mission.

2. Correspondence ending with the letter No.253/35-36 dated 28th August 1935 from the Public Prosecutor, Bangalore, ~~making that~~ soliciting sanction of Government in the circumstances stated, to file a revision petition in the High Court against the order of the Sub-Judge, Bangalore, issuing a commission for examination on behalf of the defendant of certain witnesses at California, in the case C.S.77/33-34 on the file of the Subordinate Judge of Bangalore (Government vs J.C.Midford).

ORDER NO: A 1935-58 Law 15-33-2

Dated, Bangalore, the 18th September 1935.

Government are advised that this is a fit case in which the High Court may be moved in revision to set aside the order of the Subordinate Judge, Bangalore, in the above case. The Government Advocate is requested to take steps in time to file a revision petition in the High Court. The Director of Public Instruction is requested to place at the disposal of the Government Advocate necessary funds required for the purpose.

Asst. General Secretary to Government.

To

The Government Advocate, with the connected papers sent with the Public Prosecutor's letter of 28th August 1935.
" Public Prosecutor, Bangalore Division.
" Director of Public Instruction in Mysore.
" Comptroller to Government.

C.R.C.

In reply please refer to
No. 325

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, 25th March 1936.

From

The Government Advocate
in Mysore, BANGALORE.

GENERAL SECRETARIAT
26 MAR 1936
Law

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

Sir,

With reference to Government Order No. P.1955-58/Law. 15-33-21 dated the 18th September 1935, I have the honor to state that Civil Revn. Petition No. 176 of 1935-36 on the file of the High Court of Mysore, (Government of Mysore VS. J. C. Midford) came on for final disposal on - 16-3-1936 and that after hearing arguments orders were passed allowing the Petition in question.

2.

2. A copy of the Order has been applied for and the same will be sent to you as soon as it is received in this office.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

CSN.

In reply please refer to
No. 752

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, 1st April *1936*.

FROM

R. NAGESVARA IYER, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

SECRETARIAT
2 - APR. 1936
BANGALORE

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

SIR,

In continuation of my letter No.735 dated the 26th March 1936, I have the honor to forward herewith, for the information of Government, a copy of the Order passed in Civil Revision Petition No.176 of 1935-36 on the file of the High Court of Mysore, (The Government of Mysore VS. J. C. Midford).

I have the honor to be,
Sir,
Your most obedient servant,

R. Nageshwara Iyer

Government Advocate.

CSN.

69
72

IN THE COURT OF THE SUBORDINATE JUDGE, BANGALORE.

O.S.No.77/33-34.

The Government of Mysore,
by the Deputy Commissioner,
Bangalore. } PLAINTIFF.

-VS-

Mr.J.C.Midford. DEFENDANT.

The plaintiff files the following reply statement.

I. The Plaintiff states that all the particulars required by law are furnished in the plaint and that the allegations regarding the plaint are unfounded. The plaintiff has produced the documents wanted by the defendant.

2. The plaintiff denies all the allegations in para 2 of the written statement. The particulars of the fraud or collusion alleged are not furnished as required by law. The document relied upon by the plaintiff is supported by consideration and does give a full and complete title to the plaintiff which is valid in law.

3. The defendant has no right to be in possession of the properties. The plaintiff is the registered proprietor of the plaint schedule properties and is entitled to possession. The defendant himself does not put forward any title to the properties or to their possession and his plea that he is entitled to possession by virtue of an agreement for sale with the plaintiff's vendors is not maintainable in law. The defendant has no registered document in his favour and the plaintiff submits that he is entitled to a decree on the pleadings themselves and the admissions contained therein.

4. The allegations in para 4 of the written statement are not correct. The plaintiff never at any time recognised the plaintiff's right to the properties but purchased them from their lawful owners. The reference to the plaintiff's officers and the other Indian Christian gentleman is irrelevant for the purposes of the present suit, and although the plaintiff is not bound to plead yet denies all the allegations.

5. The plaintiff is not estopped from questioning the defendant's title. The defendant has not set forth how the plaintiff is estopped.

6. The defendant's resistance to the deliveries of possession is unlawful and the plaintiff is entitled to possession.

7. The mesne profits claimed are not excessive and the plaintiff is entitled to the amount claimed.

8. The plaintiff denies that the defendant has effected any improvements. On the other hand the plaintiff learns that the defendant is committing acts of waste.

9. Assuming that the defendant has effected any improvements he is not entitled to the value of such improvements as they were effected with full knowledge of the plaintiff's title.

10. The plaintiff denies all other allegations which are not admitted either in the plaint or in this statement.

11. The plaintiff prays for a decree as prayed for in the plaint.

Counsel for plaintiff. Plaintiff.

I, the plaintiff, abovenamed do hereby declare what is stated above is true to the best of my knowledge, belief and information.

Bangalore
Oct. 1934 } Plaintiff.

Exp. 58/32

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Monday the 16th day of March 1936.

Before

MR. JUSTICE K. SHANKARANARAYANA RAO.

Civil Revision Petition No. 176 of 1935-36.

The Government of Mysore by the Deputy Commissioner, Bangalore District, Bangalore. ... Plaintiff ... PETITIONER.

(By Mr. A.R.Nagesvara Iyer, Government Advocate).

-VS-

J. C. Midford. ... Defendant ... OPPONENT.

(By Mr. K.N. Srinivasan).

Civil Revision Petition against the order dated 20-8-1935 made by the Subordinate Judge of Bangalore in Original Suit No. 77 of 1933-34.

This petition coming on for hearing this day the Court made the following:-

ORDER

This is a revision petition filed by the Plaintiff in Original Suit No. 77 of 1933-34 on the file of the Subordinate Judge at Bangalore, against an order passed by that Court directing the issue of a commission for the examination of some witnesses cited by the Defendant by interrogatories in California. The learned Government Advocate, who appears on behalf of the Petitioner, has raised several contentions. The first is that the Defendant not having applied for the examination of these witnesses on Commission till some time after the Plaintiff had

74

had closed his case, the Court below should not have allowed such a belated application. He also contends that an application made by the Plaintiff before the lower Court, contending that the defence raised by the Defendant is not maintainable, has not yet been disposed of and that, under the circumstances, it is more appropriate that the application for the examination of the witnesses on commission should be considered after that question of maintainability has been disposed of. Mr. Nageswara Iyer has further urged that it would have been more satisfactory if the lower Court had considered this question after the completion of the examination of all the local witnesses on behalf of the Defendant, and that, in any case, having regard to the nature of the contentions, it would be more appropriate to issue an open commission than a commission for the examination of witnesses on interrogatories.

Mr. K.N.Srinivasan for the Opponent, on the other hand contends that the delay in filing the application is entirely due to the circumstance that his client felt the necessity for it only after the elucidation of certain facts from some witnesses examined on behalf of the Plaintiff and that, in view of the very expenditure involved, examination of witnesses on interrogatories is the more appropriate and convenient course.

I am inclined to the view that there is much force in the contentions of the learned Government Advocate. It may be that the application is justified from certain points of view, but, as it is urged that the question of maintainability of the defence is yet pending before the lower Court, it seems to me to be more satisfactory to consider the question of examination of witnesses on commission after

the

that point has been disposed of. It would perhaps also be more convenient to deal with this question after all the locally available witnesses of the Defendant are examined, when both the parties would be in a better position to have their say on this question and the Court also would be in a position to decide as to which of the two courses would be more convenient viz., to issue an open commission or a commission for examination of witnesses on interrogatories.

The order passed by the lower Court is accordingly set aside and the case will be sent back for being dealt with in the light of the observations that I have made above. There will however be no order as to costs.

Sd/- K. Shankaranarayana Rao,

J U D G E.

"C o p y"

Government Advocate.

CSN/1.4.36

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

7B

No. P6860. Law 15-33-21 Secl

Dated, Bangalore, 14th April 1936

16

From-

The *General Secretary to the Government of His Highness the Maharaja of Mysore*

To

The Public Prosecutor,
Bangalore.

Sir, O.S.77/35-36 on the file of the Sub Judge, Bangalore
(Government Versus J.C.Midford)

With reference to the correspondence ending with the Government order No.P.1955-58/Law.15-33-21 dated 18th September 1935, I am directed to forward herewith a copy of the order passed in Civil Revision petition No.176/35-36 on the file of the High Court of Mysore, for information and necessary action.

I have the honour to be,
Sir,
Your most obedient servant,

Jr-General Secretary to Government.

mk.

77 78

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 15-33

Serial No. 23

Diary No. of letter replied to.....

No. P6866/Sec 1.

To The Sec. Bar.

OS. 77/33-34 on the file of the sub-Judge, Bar

(Govt vs Jc Medford)

General and Revenue Secretariat

( )

the *193* .

Date of issue 16-4-36

Sir,

Signed by Mr. D.S.K.

With reference to the Correspondence ending with the G.O. no. 6. 1955-56 Law 1583-4 d 18-9-35, I am directed to forward herewith a copy of the order passed in Civil Revision petition no. 176/35-36 on the file of the H.C. of Mysore, for information and necessary action.

I have etc

for Gen Secy

List of enclosures.....

Copied by .....

Examined by.....

TSD 11/4

WD 03601—GPB—30,000—23-9-35

10-6-36

NO. 1332/35-36

Enc. 1 copy application

OFFICE OF THE PUBLIC PROSECUTOR
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 22nd June *1936*

FROM,
G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To
The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SIR,

RE: C.S.No.77/33-34 on the file of the Subordinate Judge, Bangalore. (Government of Mysore - Mr. J.C. Midford.)

RECEIVED 24 JUNE 1936

I have the honour to state that an application has been filed in court praying that Mr. Graham, Solicitor, Civil and Military Station may be summoned. The court issued summons to Mr. Graham and he appeared in court on 17th instant and the case has been adjourned to the 15th July 1936 as the court was engaged in hearing other cases. I have taken out fresh summons to him. The copy of the application filed in court enclosed herewith for information of Government.

I have the honour to be,
Sir,
Your most obedient servant,

KHR.

D Doraswamy Iyer

Encl D 78/6/36

79

application filed with O12-0 stamp
emergent summons.
Mr. Graham also paid.
Rs 10/6/36

IN THE [illegible] COURT OF THE CIVIL JUDGE, BANGALORE.

O.S.No.77/35-36.

The Government of Mysore,
by the Deputy Commissioner,
Bangalore. Plaintiff.

-VS-

Mr. J.C. Hickford. Defendant.

Under Order XVI, Rule 1 of the Code of Civil Procedure, the plaintiff states and prays as follows:-

1. That steps through court were taken to secure the presence of Mr. William Borthwick who was the authorised representative of the Heart of India Mission, California. The summons has not been served and he has not come so far.

2. Mr. Graham, Solicitor, Civil and Military Station, Bangalore was the solicitor for the vendors and had even been authorised to receive money due under the sale deed. As such he would be aware of the power of attorney held by Mr. Borthwick and his evidence would be of considerable value in adjudicating on the points in issue.

Wherefore it is prayed that Mr. Graham may be summoned to appear on the next date of hearing and produce the documents referred to in the memo. To produce and [illegible] Mr. Borthwick [illegible]

80

regarding the sale and the power of attorney authorising him to draw money on behalf of the Heart of India Mission of California in respect of its properties at Bodballapur sold to the Government of Mysore as per sale deed dated 28-4-1933 and to give evidence.

Bangalore 1
1

Government Pleader
advocate for plaintiff.

K.

General and Revenue Secretariat	File No.	of 193 .	[App. F. III—2

2457 p 234

No. 747 36-37

Enc. 35 681

OFFICE OF THE PUBLIC PROSECUTOR.
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS.

Dated 17-10-1936.

FROM

XLW 15-33-24

The Public Prosecutor,
Bangalore *Division,*
Bangalore

GENERAL SECRETARY
19 OCT 1936

TO The General Secretary to Government of Mysore. Bangalore.

SIR.

Subject:— O.S.No. 77/33-34 on the file of the Sub-Judge, Bangalore Govt of Mysore vs Muffad

pnl 19/10

I have the honor to state that the ~~above case has been adjourned~~ orders were pronounced in the above case decreeing the suit with Costs. ~~to~~ A Certified Copy of Judgment will be obtained and Sent

I have the honor to be,
Sir,
Your most obedient servant,

6
Noted the Copy of the Judgment will be awaited.

WD 02100—900—27.2.36

pnl 20/10

Lus c 21-10-36

Public Prosecutor:

NOTE—Contn. Sheet.

WD 0511—GTB—30,000—2-9-83

372/P 36

No. 1283/36-37. (Certified copies)

Office of the Public Prosecutor,
Bangalore Division,
Dated, Bangalore 23rd December 1936.

Law 15-33-25

From

S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor, Bangalore.

GENERAL SECRETARY
23 DEC 1936

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

Sir,

O.S.No.77/34-35 on the file of the Subordinate Judge, Bangalore. (Government -VS- J.C. Minn Midford.)

In continuation of my letter No.1270/36-37 of the 21st instant, I have the honour to send herewith the certified copy of judgment and decree in the above case for information of Government.

I have the honour to be,

Sir,

Your most obedient servant,

S Doraswamy Iyer

Public Prosecutor.

Appendix F.G—1]

SUBJECT.....

.....

.....

Section Law

File No. 15 & 33

Serial No. 26

Diary No. of letter replied to .....

No. P 4835/Genl.

To

The D. C. B'lore

O.S. 77/33-34 on the file of the ~~Dist~~ Subordinate Judge, Bangalore.

Sir;

I am directed to forward herewith a copy of the judgment + decree passed in the above case for your information and necessary action towards Recovery of Costs ~~ordered~~ therein ~~Execution~~ of decree

I have etc:

For Gen: Secy;

General and Revenue Secretariat

( )

the *193* .

Date of issue 6.2.34

Signed by Mr. PKR.

List of enclosures.....

Copied by W.S.W

Examined by.....

WD 0253—GPB—15,000—26-8-32